

REMARKS

In the Claims:

Claims 3-6, 9-12, 15-18, and 21-28 in this application.

Claims 3, 9, 15, and 21 have been amended. Claims 25-28 have been added.

Support for the amendments and new claims can be found in the original specification, figures and/or claims. As such no new matter has been added.

Claim Rejections – 35 USC §103:

Claim 3, which has been rewritten in independent form, was rejected under 35 U.S.C. §103(a) as being unpatentable over Darby et al., U.S. Patent No. 7,215,698 (*Darby*) in view of Friedmann et al., U.S. Pat. No. 5,822,362 (*Friedmann*). In response, Applicant respectfully traverses the rejection.

Claim 3, as amended, recites A method comprising:

selecting a frequency hopping code (FHC) from a set of predetermined FHC's for communicating with other devices in a multi-band ultra-wideband (MB-UWB) network, wherein the FHC defines a sequence of two or more pulses over two or more frequencies.

Applicant agrees with Examiner that *Darby* “does not teach procedure of selecting a frequency hopping code (FHC) for communicating with the other devices...” (Action Page 2, Paragraph 4). Applicant notes that *Friedmann* col. 7, lines 45-55 is cited as teaching, “that a frequency hopping code (FHC) is capably selected from a set of FHC's which are capably generated by the controller.” (Action Page 3, Paragraph 4) However, Applicant respectfully disagrees. Lines 45-55 of col. 7 of *Friedmann* includes, “the signal hops between different FH channels in accordance with the system requirements.” (lines 48-49) Applicant respectfully submits that the FH channels

mentioned are actually different frequencies within a single FH code. This is further evidenced by lines 52-53, which teach that the “carrier signal will hop in accordance with a desired frequency hopping sequence,” i.e. a single FH code. Applicant respectfully asserts that the cited portion of *Friedmann* does not teach or suggest selecting a frequency hopping code (FHC) from a set of predetermined FHC’s for communicating with other devices in a multi-band ultra-wideband (MB-UWB) network, wherein the FHC defines a sequence of two or more pulses over two or more frequencies.

Applicant further notes that McCorkle, U.S. Patent No. 7,177,341 (*McCorkle*) is not cited as curing, and does not in fact cure, such deficiencies of *Darby* and *Friedmann* as pointed out above in reference to claim 3. Therefore, since the *Darby*, *Friedmann* and *McCorkle* combination of references fails to teach or suggest each element of claim 3, claim 3 is not rendered obvious by the *Darby*, *Friedmann* and *McCorkle* combination. Accordingly, Applicant respectfully requests the §103 rejection of claim 3 be withdrawn.

Applicant notes that independent claims 9, 15 and 21 include the claim elements of claim 3 and are similarly patentable over the *Darby*, *Friedmann* and *McCorkle* combination of references for reasons presented above in regards to claim 3. Accordingly, Applicant respectfully requests the §103 rejections of claims 9, 15 and 21 be withdrawn.

Applicant notes claims 4-6, 10-12, 16-18, and 22-24 depend from patentable independent claims 3, 9, 15 or 21, and are similarly not rendered obvious by the *Darby*, *Friedmann* and *McCorkle* combination, based at least upon their dependency.

Accordingly, Applicant respectfully requests that the §103 rejection of claims 4-6, 10-12, 16-18, and 22-24 be withdrawn.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that claims 3-6, 9-12, 15-18, and 21-28 are in condition for allowance and such action is earnestly solicited. The Examiner is invited to call Dave Guglielmi at (503) 712-1610 if there remains any issue with allowance of this case.

Respectfully submitted,

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